

## **REMARKS**

Applicants reply to the final Office Action mailed on September 30, 2010, within two months. Claims 1-25 (4 independent, 25 total) remain pending in the application. Support for the amendments may be found in the originally-filed specification, claims, and figures. No new matter is introduced by the amendments. Reconsideration of this application is respectfully requested.

### **§112 Rejections**

The Examiner rejects claims 1-11 under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention. Applicants amend claim 1 to clarify that the notification of the user is due to the enrollment of a third supplier system, and not about the use of the third supplier system. Applicants request that the §112 rejection be withdrawn.

### **§103 Rejections**

The Examiner rejects claims 1-25 under 35 U.S.C. §103(a) as being unpatentable over Erickson, U.S. Patent No. 6,014,644 (“Erickson”) in view of Walker et al., U.S. Patent No. 5,945,653 (“Walker”), and further in view of Zalewski et al., U.S. Patent No. 6,771,981 (“Zalewski”). Applicants respectfully disagree with the Examiner’s rejections. However, to expedite prosecution and clarify patentable subject matter, Applicants amend certain claims and request these rejections be withdrawn.

The Examiner asserts that Erickson teaches a system having an enrollment system, a first supplier system, and a second supplier system. In general, Erickson discloses a system for coordinating communications and tracking responses between suppliers and buyers both before and during a bidding process. Furthermore, the system facilitates an exchange of information and matching of a potential buyer with a potential supplier. “The service provider collects submitted information and stores it into a database organized to allow rapid access to desired information. Such a database may be stored in a single central location where vendors and buyers may dial in and access the database, or copies of portions of the database may be distributed to buyers and suppliers as needed.” (col. 3, ln. 30-35). The disclosed system also discusses limited communications between the buyer and the supplier. For example, “[a]fter the

buyer has selected a list of suppliers, the buyer creates and sends a ‘data cast’ message. A data cast message is a message that will be broadcast to the selected suppliers’ requests a bid on desired goods or services.” (col. 3, ln. 52-55).

In the current Office Action, the Examiner disagrees with Applicants’ prior arguments and responds. Specifically, the Examiner discusses how Erickson discloses multiple buyers and suppliers submitting information to a central database. Furthermore, the Examiner asserts that Zalewski discloses an RF reader and communicating information in response to an interrogation signal.

However, Erickson discloses that “[b]uyer 10 may assemble a list of suppliers of interest. Buyer 10 may then use this list to distribute information to suppliers, either directly or indirectly through a service provider 14,” (col. 8, ln. 31-33). Likewise, “[s]uppliers receiving a broadcast message requesting bid information will respond with the requested information,” (col. 8, ln. 39-40). In other words, Erickson discloses a buyer initiating an inquiry with a supplier and then initiating the subsequent communications. Erickson indicates that the information is provided while enrolling in the enrollment system. Erickson does not disclose a user supplying more information because another supplier enrolled and requests the additional information.

Thus, the cited references, nor any combination thereof, disclose at least “[a] system for membership enrollment comprising: an enrollment system including an enrollment system server for processing user data in connection with a user... **wherein said enrollment system reader notifies said user of enrollment of a third supplier system and initiates a request for additional user data in response to said enrollment of said third supplier system in order to be supplied to said third party supplier**” as recited in independent claim 1 (emphasis added), and as similarly recited in claims 12 and 21.

With respect to claim 21, the Examiner asserts that claim 21 is rejected for the same reason as claim 1. *Applicants respectfully assert that such a rejection is inadequate because claim 21 contains claim elements that are different than claim 1.* Specifically, neither Erickson, Walker, nor any combination thereof, disclose at least “[a] method of enrolling a user in a membership program comprising: receiving user specific data at a universal enrollment system; providing the user specific data to a plurality of service providers for enrollment in a corresponding plurality of membership programs; receiving from the plurality of service providers unique membership numbers; and **transferring the unique membership numbers to**

**a portable handheld user storage device, the storage device including a database containing a unique storage area for each unique membership number,” as recited in claim 21 (emphasis added).**

Similarly, with respect to claim 23, the Examiner asserts that claim 23 is rejected for the same reason as claim 12, which in turn was simply rejected for the same reason as claim 1.

**Applicants contend that such a rejection is inadequate because claim 23 contains claim elements that are different than claim 1.** Specifically, neither Erickson, Walker, nor any combination thereof, disclose at least “[a] method of enrolling a user in a membership program comprising: receiving user specific data at a universal enrollment system; providing the user specific data to a plurality of service providers for enrollment in a corresponding plurality of membership programs; receiving from the plurality of service providers unique membership numbers; and **transferring the unique membership numbers to a portable handheld radio frequency identification (RFID) storage device using the storage device including a RF transponder and a database in communication with the transponder, the database containing a unique storage area for each unique membership number,” as recited in claim 23 (emphasis added).**

For at least these reasons, Applicants respectfully submit that none of the cited references, alone or in combination, disclose or contemplate all of the elements of independent claims 1, 12, 21 and 23, and Applicants therefore respectfully submit that independent claims 1, 12, 21 and 23 are allowable over the cited references.

Dependent claims 2-11, 13-20, 22 and 24-25 variously depend from independent claims 1, 12, 21 and 23, so dependent claims 2-11, 13-20, 22 and 24-25 are allowable over the cited references for the reasons set forth above, in addition to their own unique features, some of which are stated above.

In view of the foregoing, Applicants respectfully submit that the currently pending claims (4 independent, 25 total) are in condition for allowance. A Notice of Allowance is earnestly solicited at the earliest possible date. If the Examiner believes that a telephone conference would be useful in moving the application forward to allowance, please contact Applicants' counsel at 602-382-6306. Applicants authorizes and respectfully request that any fees due (including extension fees) be charged to Deposit Account No. 19-2814. **This statement does NOT authorize the payment of the issue fee.**

Respectfully submitted,

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